



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 9, 1995

Ms. Kathleen Weisskopf
Assistant City Attorney
City of Arlington
P.O. Box 231
Arlington, Texas 76004-0231

OR95-267

Dear Ms. Weisskopf:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 32838.

The City of Arlington (the "city") received a request for copies of the last six months' bills from companies the city uses for car washes and oil changes for its cars. Additionally, the city received a request for copies of the bills for the city's pagers. You inform us that you are prepared to release to the requestor copies of the bills pertaining to washes and oil changes for city vehicles. You also inform us that you are prepared to release to the requestor the sum of money the city expends for pagers. Regarding the request for the pager bills, you contend that these bills contain information which is excepted from disclosure by sections 552.101 and 552.108 of the Government Code.

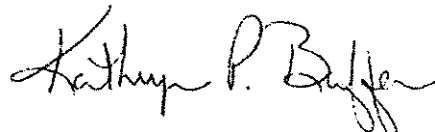
Initially, you contend that the pager numbers assigned to city police officers and firefighters appearing on the pager bills are excepted from disclosure by section 552.108 of the Government Code, the law enforcement exception. You contend that the publication of these numbers would allow the public to identify the numbers associated with the police or fire departments and would severely impede and interfere with law enforcement, particularly during emergencies. Additionally, you express concern about disclosing these pager numbers because, as an example, undercover vice officers often use pagers as a contact method with suspected criminals, and, if the pager number was disclosed and matched to a police officer, the officer's life as well as any proceeding investigation could be placed in jeopardy. You argue that this office should apply to this request its decision concluding that cellular mobile phone numbers assigned to county officials and employees with specific law enforcement responsibilities are not subject to disclosure under former V.T.C.S. article-17a, section 3(a)(8), which is now section 552.108 of the Government Code. *See* Open Records Decision No. 506 (1988).

We note that one of the purposes of the law enforcement exception is to prevent law enforcement and crime prevention techniques from being readily available to the public at large. *Morales v. Ellen*, 840 S.W.2d 519, 526 (Tex. App.--El Paso 1992, writ denied) (citing Open Records Decision No. 133 (1976)). As this office concluded in Open Records Decision No. 506 (1988), if the public were to have access to the numbers, the purpose of having the numbers, which is to ensure immediate access to city employees with law enforcement duties and responsibilities, could easily be defeated. For similar reasons enunciated in Open Records Decision No. 506 (1988), we conclude that the release of the pager numbers could seriously impair law enforcement efforts. Based upon section 552.108 of the Government Code, the city may withhold from disclosure the pager numbers of the city's police officers and firefighters. The city must release the remainder of the information on the bills.

Since we hold that the city's police officers' and firefighters' pager numbers may be withheld from disclosure under section 552.108, we decline to address the applicability of section 552.101 to this request.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kathryn P. Baffes
Assistant Attorney General
Open Government Section

KPB/KHG/rho

Ref.: ID# 32838

Enclosures: Submitted documents

cc: Mr. Mark Nichols
2727 West Division Street
Arlington, Texas 76012
(w/o enclosures)